

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:09-CT-3175-FL

WILLIE WORLEY JR,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
DANNY STANLEY, et al.,)	
)	
Defendants.)	

Plaintiff Willie Worley, Jr., filed this action pursuant to 42 U.S.C. § 1983. The action is before the court on plaintiff's motions to compel (DE ## 11, 12), plaintiff's motion to accept diagram as evidence (DE # 13), and plaintiff's motion for entry of default (DE # 27). These matters are ripe for adjudication.

Plaintiff filed two motions to compel discovery. Plaintiff's motions fail to comply with Federal Rule of Civil Procedure 37(a) and Local Civil Rule 7.1(c), which require that the movant certify that there has been a good faith effort to resolve discovery disputes prior to the filing of any discovery motions. Thus, plaintiff's motions are DENIED as premature.

The court now turns to plaintiff's motion requesting permission to submit diagram evidence. For good cause shown, plaintiff's motion is GRANTED.

Finally, the court addresses plaintiff's motion for entry of default. Defendants are allowed thirty (30) days following North Carolina Prisoner Legal Service's ("NCPLS") response to the Clerk of Court's order of investigation to answer or otherwise respond to the complaint. NCPLS has not

yet filed its response in this action. Thus, defendants' response time has not expired, and plaintiff's motion for entry of default is DENIED.

In sum, plaintiff's motion to accept diagram as evidence (DE # 13) is GRANTED. However, plaintiff's motions to compel (DE ## 11, 12) and motion for entry of default (DE # 27) are DENIED.

SO ORDERED, this the 13th day of October, 2010.



LOUISE W. FLANAGAN
Chief United States District Judge